

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Robert Lee Thomas,)
Plaintiff,) C.A. No. 4:09-2134-TLW-TER
vs.)
National Labor Relations Board (NLRB),)
Defendant.)

)

ORDER

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III on October 26, 2009. In his Report, Magistrate Judge Rogers recommends that the Complaint in the above-captioned case be dismissed without prejudice and without issuance or service of process. In making his recommendation, the Magistrate Judge concluded;

In absence of a request for relief from plaintiff and [sic] as well as in absence of sufficient factual allegations to state a viable claim against the named defendant that falls within this Court’s subject matter jurisdiction, the Complaint filed in this case is frivolous and subject to summary dismissal.

In response to the Report and Recommendation, plaintiff has filed Objections in two documents entitled “Complaint and Response to Magistrate Judge’s Recommendation to the Court Cure Defects” and “Further Response to the Magistrate Judge’s Report and Recommendation.” The plaintiff sets out more specific allegations against additional individual defendants in the “Objection” documents than he set out in the Complaint. He also includes a prayer for relief. In light of these

additional filings, the Court finds it appropriate to remand this case to the Magistrate Judge for further consideration.

Accordingly, the Court declines to accept the Report, and remands this case to the Magistrate Judge for further consideration in light of plaintiff's additional filings.

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

February 16, 2010
Florence, South Carolina